

REMARKS/ARGUMENTS

The Office Action of October 21, 2004, has been carefully considered.

It is noted that claims 1-3 are rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the patent to Press '923.

Claims 1, 7 and 8 are rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the patent to Press '209.

Claims 1, 2, 3 and 7 are rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the patent to Tousignant et al.

Claims 1-3 are rejected under 35 U.S.C. §102(b) over the patent to Giddings.

Claim 9 is rejected under 35 U.S.C. §103(a) over Press '209 in view of the patent to Dodds or the patent to Ansley.

In view of the Examiner's rejections of the claims, applicants have canceled claims 2 and 9, and amended independent claim 1.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Press '923, it can be seen that this patent discloses a contour-adaptive atmospheric heat exchange apparatus. This patent does not disclose or suggest a heat exchange apparatus having films that are either fiber reinforced or are at least partly chemically cross-linked, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-3 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the above discussed reference is overcome and should be withdrawn.

The patent to Press '209 discloses an atmospheric heat exchange method and apparatus. This patent also does not disclose a heat exchange or having films that are either fiber reinforced or are at least partly chemically cross-linked, as in the presently claimed invention. In view of these considerations, it is respectfully submitted that the rejection of claims 1, 7 and 8 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the above discussed reference is overcome and should be withdrawn.

The patent to Tousignant et al. discloses a semi-rigid heat transfer device. This patent also does not disclose a heat transfer apparatus having films that are either fiber reinforced or are

at least partly chemically cross-linked, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-3 and 7 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the above discussed reference is overcome and should be withdrawn.

The patent to Giddings discloses a vapor compression distillation apparatus. Applicants respectfully submit that this patent does not disclose a heat exchange apparatus that is mountable to the roof or façade of a structure as is dealt with in the presently claimed invention. Furthermore, Giddings does not disclose a heat exchange apparatus having films that are either fiber reinforced or are at least partly chemically cross-linked, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted the rejection of claims 1-3 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Dodds discloses a heat exchanging apparatus for cooling and condensing by evaporation. The Examiner combined this reference with Press '209 in determining that claim 9 would be unpatentable over such combination. Applicants respectfully submit that there is no motivation in the teachings of these two references for making the combination argued by the Examiner. Press '209 deals with solar heat exchange panels for a surface mount to a structure. Dodds, on the other hand, deals with cooling towers and the desire to prevent scale buildup. There is nothing in the teachings of these two references which would suggest modifying a solar panel as taught by Press '209, as suggested by the Examiner. Both these references are attempting to solve different problems and thus, there is no motivation for combining the teachings thereof and as suggested by the Examiner. As stated in column 7, line 20 of Dodds, "the invention takes advantage of the flabby and elastic characteristic of the thin plastic wall during operation: the pulsations of pump 11, FIG. 3, will cause the plastic pipe to expand and contract; when closing down the unit and stopping the pump 11, the variation between the dynamic head and the static head exercised on the heat exchanger 10 will cause a collapse of the circular shape of the tube. Both the pulsating effect of the flowing fluid an (sic) and the deformations caused by the pressure variations when starting and stopping the pump shall keep the external surface of the plastic pipe completely free of scale deposits." This is the purpose of

the material used for forming the tubes of Dobbs. There is no discussion that tubes of this type of material are needed or desired in Press '209.

The patent to Ansley et al. discloses a P-V thermal solar power assembly that includes a flexible photo-voltaic device attached to a flexible thermal solar collector so that the solar power assembly can be rolled up for transport and then unrolled for installation on a surface. The Examiner combined the teachings of Ansley et al. with Press '209 in determining that claim 9 would be unpatentable over such combination. Although Ansley et al. disclose a solar collector made of a cross-linked polyethylene, this is only a general mention that the solar collector 4 is made of such a cross-linked polyethylene. There is absolutely no teaching of how the solar collector itself is constructed. Thus, one skilled in the art cannot take away from the teachings of Ansley et al. that the solar collector is made of films and that these films should be at least partly chemically cross-linked. Therefore, applicants respectfully submit that there is no motivation or teaching in either Press '209 or Ansley et al. for constructing a heat exchanger apparatus having at least two films that are fiber reinforced or at least partly chemically cross-linked, as in the presently claimed invention. Furthermore, even if one were to be motivated to combine Ansley et al. with Press '209, a combination does not teach the films being adhered to one another so that at least two of the chamber-like cavities or interspaces run parallel to one another and are formed between the films, as in independent claim 1 presently on file.

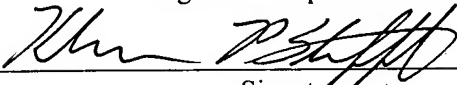
In view of these considerations, it is respectfully submitted that the rejection of claim 9 under 35 U.S.C. §103(a) over either of the combinations discussed above is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 21, 2005:

Klaus P. Stoffel

Name of applicant, assignee or
Registered Representative

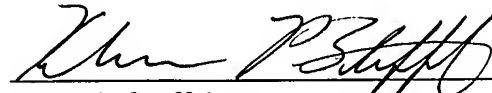

Signature

April 21, 2005

Date of Signature

RCF:KPS:ck

Respectfully submitted,



Klaus P. Stoffel

Registration No.: 31,668

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700